

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

WSOU INVESTMENTS, LLC)	
)	
Plaintiff,)	PENDING BEFORE THE
)	UNITED STATES DISTRICT
v.)	COURT FOR THE WESTERN
)	DISTRICT OF TEXAS
)	
SALESFORCE, INC.)	C.A. Nos. 6:20-cv-1163 through
)	-1172 (ADA)
Defendant.)	
)	
)	
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SALESFORCE, INC.)	
)	
Defendant/Third-Party Plaintiff,)	
)	
v.)	C.A. No. 1:23-mc-00027-CFC
)	
WSOU HOLDINGS, LLC and WSOU)	
CAPITAL PARTNERS, LLC)	
)	
Third-Party Defendants.)	

**WSOU HOLDINGS AND WSOU CAPITAL PARTNERS' FURTHER
RESPONSE TO MEMORANDUM ORDER RE: SEALING (D.I. 23)**

On the morning of February 24, 2023, this Court issued a Memorandum Order addressing sealing issues in this case (D.I. 23, the “**Sealing Order**”).

In the evening of February 24, 2023, third-party subpoena recipients WSOU Holdings, LLC and WSOU Capital Partners, LLC (the “**Subpoena Recipients**”) filed an unopposed motion requesting a temporary stay of the Sealing Order (D.I. 24), which this Court granted on the morning of February 27, 2023 (D.I. 26).

After a careful review of the Sealing Order, the documents covered by it, and relevant Third Circuit case law, the Subpoena Recipients hereby request a single modification to the Sealing Order, which is that the Court keep under seal certain details about two minor children discussed in a deposition transcript submitted to the Court by Salesforce

Specifically, included among the documents ordered unsealed was an excerpt of a deposition of Stuart Shanus that Salesforce attached to its motion as Exhibit 2. The Shanus deposition excerpt was originally included as one of 29 exhibits that were combined into a single PDF and attached to Under Seal Declaration of Jared Kneitel (D.I. 5-1). Further to instructions from Chambers, the exhibits to Mr. Kneitel’s declaration were subsequently refiled, with each exhibit split up into its own separate PDF (D.I. 21-1 to 21-29). In the refiled version of Salesforce’s exhibits, the Shanus deposition transcript appears at D.I. 21-2.

At page 118 of the Shanus deposition transcript excerpts filed by Salesforce (D.I. 5-1, 21-2) according to the deposition reporter's pagination (the tenth page of D.I. 21-2, based on the PDF numbering), Mr. Shanus was asked a question about certain children, which he answered. In his response, Mr. Shanus identified two minor children by age and sex.

The Subpoena Recipients request that, at the time they propose redactions to the operating agreements (*see* Sealing Order), they also be allowed to propose redactions that would keep under seal the age and sex of the two minor children mentioned in the portion of Mr. Shanus' deposition excerpts discussed above. *See* 3rd Circuit Local Appellate Rules, 113.12(a)(2)-(3) (directing counsel to refrain from including in appellate briefs "(2) Names of minor children. If the involvement of a minor child must be mentioned, ***only the initials of that child should be used.*** (3) Dates of birth. ***If an individual's date of birth must be included, only the year should be used.***") (emphasis added). Here, there is no need to identify the minors by sex or by initials, and there is no need to mention their age (which would reveal their birth year) apart from the point that they are minors.

The Subpoena Recipients do not request any other modifications to the Sealing Order.

Respectfully Submitted,

Dated: February 28, 2023

/s/ Sean Bellew

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